

Senate Amendment 3194

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1 1 Amend the amendment, S=3185, to Senate File 430 as
1 2 follows:
1 3 #1. By striking page 1, line 1, through page 3,
1 4 line 10, and inserting the following:
1 5 <Amend Senate File 430 as follows:
1 6 ~~#strike>_____~~. By striking everything after the enacting
1 7 clause and inserting the following:
1 8 <Section 1. NEW SECTION. 626D.1 TITLE.
1 9 This chapter shall be cited as the "Recognition and
1 10 Enforcement of Tribal Court Civil Judgments Act".
1 11 Sec. 2. NEW SECTION. 626D.2 DEFINITIONS.
1 12 As used in this chapter:
1 13 1. "Tribal court" means any court of any Indian
1 14 tribe which is federally recognized by the United
1 15 States department of interior, bureau of Indian
1 16 affairs as a recognized Indian tribal entity. A
1 17 "tribal court" must be a court of record.
1 18 2. "Tribal judgment, order, or decree" means any
1 19 final written judgment, order, or decree of a tribal
1 20 court of record duly authenticated in accordance with
1 21 the laws and procedures of the tribe or tribal court
1 22 of record and in accordance with this chapter.
1 23 Sec. 3. NEW SECTION. 626D.3 FILING PROCEDURES.
1 24 1. A copy of any tribal judgment, order, or decree
1 25 may be filed in the office of the clerk of court in
1 26 any county in this state.
1 27 2. The person filing the tribal judgment, order,
1 28 or decree shall make and file with the clerk of court
1 29 an affidavit setting forth the name and last known
1 30 address of the party seeking enforcement and the
1 31 responding party. Upon the filing of the tribal
1 32 judgment, order, or decree, and accompanying
1 33 affidavit, the enforcing party shall serve upon the
1 34 responding party a notice of filing of the tribal
1 35 judgment, order, or decree together with a copy of the
1 36 judgment, order, or decree in accordance with rule
1 37 1.442 of the Iowa rules of civil procedure. The
1 38 enforcing party shall file proof of service or mailing
1 39 with the clerk of court. The notice of filing shall
1 40 include the name and address of the enforcing party
1 41 and the enforcing party's attorney, if any, and shall
1 42 include the text contained in sections 626D.4 and
1 43 626D.5.
1 44 Sec. 4. NEW SECTION. 626D.4 RESPONSES.
1 45 Any objection to the enforcement of a tribal
1 46 judgment, order, or decree shall be filed within
1 47 thirty days of receipt of the mailing of the notice of
1 48 filing the judgment, order, or decree. If an
1 49 objection is filed within such time period, the court
1 50 shall set a time period for a formal response to the
2 1 objection and shall set the matter for hearing.
2 2 Sec. 5. NEW SECTION. 626D.5 RECOGNITION OF
2 3 TRIBAL JUDGMENTS.
2 4 1. Unless objected to pursuant to section 626D.4,
2 5 a tribal judgment, order, or decree shall be
2 6 recognized and enforced by the courts of this state to
2 7 the same extent and with the same effect as any
2 8 judgment, order, or decree of a court of this state.
2 9 2. If no objections are timely filed, the clerk
2 10 shall issue a certification that no objections were
2 11 timely filed and the tribal judgment, order, or decree
2 12 shall be enforceable in the same manner as if issued
2 13 by a valid court of this state.
2 14 3. A tribal judgment, order, or decree shall not
2 15 be recognized and enforced if the objecting party
2 16 demonstrates by a preponderance of the evidence at
2 17 least one of the following:
2 18 a. The tribal court did not have personal or
2 19 subject matter jurisdiction.
2 20 b. The defendant was not afforded due process.
2 21 4. The court may recognize and enforce a tribal
2 22 judgment, order, or decree on equitable grounds. The
2 23 court may decline to recognize and enforce a tribal
2 24 judgment, order, or decree for any of the following

2 25 reasons:
2 26 a. The tribal judgment, order, or decree was
2 27 obtained by duress, coercion, or extrinsic fraud.
2 28 b. The tribal judgment, order, or decree conflicts
2 29 with another final judgment, order, or decree that is
2 30 entitled to recognition in this state.
2 31 c. The tribal judgment, order, or decree is
2 32 inconsistent with the parties' contractual choice of
2 33 forum, provided the contractual choice of forum issue
2 34 was timely raised in the tribal court.
2 35 d. The tribal court does not recognize a civil
2 36 judgment, order, or decree of a court of this state
2 37 under conditions similar to tribal court recognition.
2 38 e. Recognition of the tribal judgment, order, or
2 39 decree or the cause of action or defense upon which
2 40 the tribal judgment, order, or decree is based is
2 41 repugnant to the public policy of the United States or
2 42 this state.

2 43 Sec. 6. NEW SECTION. 626D.6 STAY.
2 44 If the objecting party demonstrates to the court
2 45 that an appeal from the tribal judgment, order, or
2 46 decree is pending or will be taken or that a stay of
2 47 execution has been granted, the court shall stay
2 48 enforcement of the tribal judgment, order, or decree
2 49 until the appeal is concluded, the time for appeal
2 50 expires, or the stay of execution expires or is
3 1 vacated.

3 2 Sec. 7. NEW SECTION. 626D.7 CONTACTING COURTS.
3 3 The district court, after notice to the parties,
3 4 may attempt to resolve any issues raised regarding a
3 5 tribal court judgment, order, or decree pursuant to
3 6 section 626D.3 or 626D.5, by contacting the tribal
3 7 court judge who issued the judgment.

3 8 Sec. 8. NEW SECTION. 626D.8 APPLICABILITY.
3 9 1. This chapter shall govern the procedures for
3 10 the recognition and enforcement by the courts of this
3 11 state of a civil judgment, order, or decree issued by
3 12 a tribal court of any federally recognized Indian
3 13 tribe. This chapter does not apply to tribal
3 14 judgments, orders, or decrees for which federal law
3 15 requires that states grant full faith and credit
3 16 recognition.

3 17 2. A tribal court judgment may be recognized and
3 18 enforced pursuant to this chapter only if the
3 19 underlying cause of action accrued on or after the
3 20 effective date of this Act. The date of accrual shall
3 21 be determined by the laws of this state.

3 22 3. This chapter shall not be deemed or construed
3 23 to expand or limit the jurisdiction of either this
3 24 state or any Indian tribe.>>
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3 28 LARRY McKIBBEN
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3 32 PAT WARD
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3 36 JOHN PUTNEY
3 37 SF 430.702 82
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